IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Patent application of Kent Massey	:	Attorney Docket No.:
		:	9698-2US2 (157459)
Serial No.:	**10/003,187**	:	
		:	Group Art Unit: 2623
Filed:	October 29, 2001	:	
		:	Examiner:
For:	Methods and Apparatus for Presenting a Digital Video Work Customized to Viewer Preferences	:	Farzana E. Hossain

APPELLANT'S BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Brief is being filed within the two-month time period from the filing of the Notice of Appeal. Therefore, no extension is required.

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I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

BY Mary Ann Vazquez

DATE: 5/16/08

1. REAL PARTY IN INTEREST

This application has been assigned to MVmax LLC, a closely held Delaware Limited Liability Company and small entity. MVmax LLC is the real party in interest.

2. RELATED APPEALS AND INTERFERENCES

A Notice of Appeal and Appellant's Brief have been filed on a final rejection of pending claims in Serial No.: 10/003,196, an application filed by the same Applicant on the same date for related subject matter and claiming a priority filing date of a common provisional application.

3. STATUS OF CLAIMS

Claims Canceled: 2 and 7.

Claims Pending: 1, 3-6.

Claims Allowed: None.

Claims Rejected: 1, 3-6.

Claims Appealed: 1, 3-6 (all rejected claims).

4. STATUS OF AMENDMENTS

All amendments have been entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The claims are directed to methods of presenting an interactive digital video used for marketing products or services to potential purchasers, wherein the content of the video can be customized based upon the viewer's interactive decisions. [Specification Para. 2]

Independent claim 1 is directed to such a method in an interactive digital video that provides scenes containing information about products or services, in which some of the scenes also serve as branching points by presenting alternative decisions to the viewer to chose among. [For example, the digital video work described in paragraphs 16-18 of the Specification] The viewer's decision determines the next scene sequence to be presented. The novel features of the method involve producing sets of variation scenes that introduce information content that address different possible viewer preferences and interests, with each set of variation scenes being associated with a scene that is viewable at some time after the branching, such that one of the variation scenes in the set can be interspersed into the scene sequence to alter the content in a manner that corresponds to an imputation made about the viewer's preferences and interests. [Specification Para. 19] The imputation is made by tracking selected decisions made by the viewer at branching points. [For example, where the decisions made by the viewer make it likely that she is a woman with young children, as described in Paragraph 20 of the Specification.] Thus, when the viewer selects a scene that has an associated set of variation scenes, the variation scene that corresponds to the imputed preference or interest is interspersed into the scene sequence to customize it for that viewer.

Independent claim 3 is directed to such a method for presenting an interactive digital video as described above in modules, some of which can be viewed in a different order that is selectable by the viewer. The modules which can be viewed in different order contain neutral scenes, in which the content is not dependant upon the order in which the module is viewed, and sets of alternative scenes in which the content is dependant upon the order in which the module is viewed. When the viewer selects one of

these modules, it will be presented as the neutral scenes interspersed with alternative scenes that correspond to the relative order in which the subsequent module is presented. [Specification Para. 18.]

Dependent claim 4 depends from claim 3 and restricts the step of presenting the neutral scenes interspersed with alternative scenes that are appropriate to the relative order, by the further step of presenting alternate scenes to avoid repeating information that has already been conveyed to the viewer in previous scenes. [Specification Para. 18.]

Independent claim 5 is similar to claim 4, and is directed to such a method where the scenes are delivered in modules that provide information about attributes of the product or service. The novel feature is that for attributes which are common to more than one product or service, some of the potentially viewable scenes in the module provide comprehensive information about the attribute, while the alternative scenes provide abbreviated information about the attribute. The viewer can select the module he wants to view next when prompted to make a decision among alternative modules at a branching point. The viewer is then presented comprehensive information for attributes not previously presented to him and alternative scenes providing abbreviated information for attributes that were previously presented to him in an earlier viewed module. . [Specification Para. 18.]

Independent claim 6 is directed to such a method where the scenes are delivered in modules, wherein at least one module has basic scenes which provide information about the attribute and a set of alternative scenes which are only presented to the viewer in response to the viewer's interactive request for additional information. A novel feature

is that for attributes which are common to more than one product or service, the additional step of not presenting as one of the choices an alternative scene for a prompt in a later module if the viewer has previously requested and viewed the same additional information in an earlier viewed module. [Specification Para. 8.]

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection present for review in this appeal are as follows.

A. Did the Examiner err in rejecting claim 5 under 35 U.S.C.102(e) as being anticipated by US 6,041,310 to Green et al ("Green")?[1]

B. Did the Examiner err in rejecting claim 6 under 35 U.S.C.102(e) as being anticipated by US 6,041,310 to Green et al ("Green")?[2]

C. Did the Examiner err in rejecting claim 1 as being unpatentable under 35 U.S.C. §103(a) over US 2002/0013943 by Haberman et al ("Haberman") in view of US 5737527 by Shiels et al ("Shiels')?[3]

D. Did the Examiner err in rejecting claim 3 as being unpatentable under 35 U.S.C. §103(a) over US 2002/0013943 by Haberman et al ("Haberman") in view of US 5737527 by Shiels et al ("Shiels')?[4]

E. Did the Examiner err in rejecting claim 4 as being unpatentable under 35 U.S.C. §103(a) over US 2002/0013943 by Haberman et al ("Haberman") in view of US 5737527 by Shiels et al ("Shiels')?[5]

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[1] Section 9 of Final Office Action mailed 10 December 2007.

[2] Section 9 of Final Office Action mailed 10 December 2007.

[3] Section 11 of Final Office Action mailed 10 December 2007.

[4] Section 11 of Final Office Action mailed 10 December 2007.

F. Did the Examiner err in provisionally rejecting claim 1 for nonstatutory obviousness-type double patenting of claim 1 of co-pending application 10/003,196 in view of US 5465384 to Bejan et al ("Bejan")?[6]

7. ARGUMENT

A. The Examiner erred in rejecting claim 5 under 35 U.S.C. §102(e) as being anticipated by Green.

Green does not disclose steps (b) and (f) of claim 5.

The issue is whether Green teaches providing only abbreviated information about some attribute of a product or service, when the decision path of the viewer indicates that she has already seen more comprehensive information about the same attribute. These distinctions are expressed in steps (b) and (f) of claim 5.

> (b) for attributes which are common to more than one product or service, producing some of the potentially viewable scenes to provide comprehensive information about the attribute and alternative scenes to provide abbreviated information about the attribute;
>
> (f) in response to the viewer's selected one of the alternative decisions, presenting to the viewer, in each module that correspond to the selected alternative decision and that can be presented in a different order, the scenes providing comprehensive information for attributes not previously presented to the viewer in an earlier module and the alternative scenes providing abbreviated information for attributes previously presented to the viewer in an earlier module.

An interactive digital video to sell a product or service would appear stilted and artificial if the viewer is forced to watch a repeat of comprehensive information about a common attribute. Using the example of a particular car model and an attribute such as

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[5] Section 11 of Final Office Action mailed 10 December 2007.

[6] Section 13 of Final Office Action mailed 10 December 2007.

its drive system, the viewer should not have to watch a repeat of the comprehensive information about the drive system if she had already seen that comprehensive information in researching other models. By providing alternative scenes that contain an abbreviated form of the comprehensive information, the present invention makes the video appear to respond to the viewer's selection as a human sales person would, since the alternative scenes can be used to remind her that she had already seen the detailed information, perhaps repeating some of the information for emphasis and telling her how it may relate differently to the model currently being reviewed, such as being an upgrade option rather than the standard. Regardless of which model she chooses to review first, the claimed method will display to her either scenes conveying the comprehensive information she has not previously viewed or alternative scenes conveying an abbreviated set of information about the attribute.

Green cannot do this, and does not suggest that there is any reason for wanting to do this.

The Examiner contends that Green allows the viewer to select potentially viewable scenes to provide information about attributes of the various automobiles by touching the brief description bar of a vehicle in inventory on the Figure 12 touch screen to pull up the detail sheet for that vehicle as shown on Figure 13.[7] The descriptive text relating to Figure 13 of Green is at Column 11, line 66 to Column 12, line 12. It describes that when the viewer chooses a Selected Vehicle from the Inventory Selection Screen, the system displays a next screen containing information about various attributes of the vehicle. But that information about the attributes is never varied or abbreviated

[7] Page 3 of Final Office Action mailed 10 December 2007.

based on whether the viewer had looked at the same or similar vehicle earlier. There is no comprehensive information scene associated with one or more alternative abbreviated information screens in Green, and nothing that would suggested showing the viewer the comprehensive information scene when information on the attribute is first requested but showing one of the abbreviated information scenes on subsequent requests.

B. The Examiner erred in rejecting 6 under 35 U.S.C. §102(e) as being anticipated by Green.

Green does not discloses steps (b), (c), (g) and (h) of claim 6.

Green does not disclose a module that has basic scenes which provide information about an attribute of a product or service and a set of alternative scenes which are only presented to the viewer in response to the viewer's interactive request for additional information. The closest Green comes to this is the Figure 12 touch screen that allows the viewer to pull up the detail sheet for each vehicle. There is nothing in Green that describes what happens if a request is made for information on attributes which are common to more than one vehicle, much less recalling whether the viewer requested the same additional information on the same attribute in an earlier viewed module, and if so, not presenting that information scene as one of the choices as a prompt in a later module

These distinctions over Green are expressed in steps (b) and (f) of claim 5.

b) in at least one module, providing basic scenes which provide information about an attribute that are presented to the viewer when the module is viewed, and providing a set of alternative scenes which are only presented to the viewer in response to an interactive request by the viewer for additional information;

(c) presenting to the viewer, at branching points that follow a basic scene providing information about an attribute, alternative decisions enabling the

viewer to request additional information about the attribute that determine the next scene sequence to be presented to the viewer;

(g) for attributes which are common to more than one product or service, recalling whether the viewer made an alternative decision regarding the same attribute in an earlier viewed module, and

(h) if the viewer has made an alternative decision requesting additional information about the same attribute in a previously viewed module, not prompting the viewer to make the same decision in a later module.

Once the viewer has requested and viewed the additional information about an attribute, the additional information choice will not be offered again in another module even if the attribute is common to a later viewed product or service.. This is done by steps (g) and (h) modifying the steps of (b) and (c).

Green cannot do this, and does not suggest that there is any reason for wanting to do this. Green only discloses offering the viewer additional information about a product. When the Inventory Selection Screen (Figure 12A) lists the vehicles matching the search criteria , it also prompts "TOUCH THE DESCRIPTION OF A CAR TO SEE MORE INFORMATION". When the viewer makes a selection, however, he gets a fixed scene (Figure 13) of the important details of the selected car. This fixed scene never changes. Every time the viewer selects this particular automobile from an Inventory Selection list he will get the same screen showing this same detailed description, even if he has seen it previously. Moreover, Green does not remove the detail screen as an alternative decision after the viewer has selected and viewed it. The viewer can repeatedly select the same automobile from an Inventory Select list and view the same detail screen as many times as he wishes.

The Examiner contends that Green teaches, where attributes are common to more than one product or service, recalling whether viewer made an alternate decision

regarding the same attribute in an earlier module , and if so, not giving the viewer the choice to make the same decision in a later module.[8] All Green does in this regard is allow the viewer to select an attribute, such as the type of transmission, using the Examiner's example. This narrows the possibilities for display to the customer to models that the dealer has in his inventory with that type of transmission. The Examiner's logic appears to be that the transmission is an attribute that is common to all motor vehicles, so that once the viewer makes a selection of a particular type transmission, and the system does not ask him to repeat that choice on a later screen, it has satisfied all of the limitations in steps (b), (c), (g) and (h) of claim 6. It does not. Selecting a search limitation such as the type of transmission, is not the same as requesting additional information about the transmission as described in step (c); consequently there is no reason to recall whether the viewer had requested such additional information [step (g)], much less use that recall to not prompt the viewer to make the same decision in a later module [step(h)].

C. The Examiner erred in rejecting claim 1 as being unpatentable under 35 U.S.C. §103(a) over Haberman in view of Shiels.

Haberman does not disclose a method of presenting an interactive digital video work, and hence none of steps (b) through (h) of claim 1 are taught in it. Shiels does disclose interactive branching selection by viewers, but it does not teach or suggest steps (f), (g) or (h) of claim 1.

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[8] Pages 4 and 5 of Final Office Action mailed 10 December 2007.

Haberman is cited as the primary reference. It discloses a method for simultaneous creation, assembly and transmission of synchronous multiple messages that are personalized to specifically targeted individuals. A personalized message is created by segmenting a message format into multiple slots, and providing different selectable segments that can be inserted in each slot. The multiple segments are simultaneously broadcasted to a receiver device that assembles the message in just-in-time fashion for viewing by the individual.

Haberman, however, is not interactive with the viewer in the sense of presenting alternatives and the ability to chose from among the alternatives to the viewer. In Haberman, the personalized message is created by the electronic system's STB based upon information known or surmised about the viewer, but the viewer herself does not have any ability to select alternate paths through the content of the message.

The Examiner relies upon Shiels for teaching the interactive steps of claim 1. Shiels discloses basic interactive branching and path selection, but does not teach or suggest steps (f), (g) or (h) of claim 1.

(f) tracking the viewer's cumulative selected decisions and imputing that particular viewer's preferences and interests based on the viewer's selected decisions;

(g) producing one or more sets of variation scenes that introduce the information content that address the different possible viewer preferences and interests, based on previous decisions selected from among the alternative decisions presented prior to the scene sequence, each set of variation scenes being associated with a scene that is viewable after the branching points; and

(h) when the viewer is brought to a scene sequence that contains one of the sets of variation scenes, interspersing into the scene sequence the variation scene corresponding to the viewer's imputed preferences and interests for such products or services, based on the viewer's selected one of the alternative decisions from among the alternative decisions presented prior to the scene

sequence.

Shiels doesn't track the viewer's cumulative decisions to impute the viewer's preferences and interests in a product, it merely responds to each decision at the time it is made. Thus, Shies does not disclose step (f).

Shiels also does not produce variation scenes adapted to the viewer's preference and interest in the product or service that are imputed from the viewer's interactive decisions, much less intersperse such variation scenes into the normal scene sequence following a viewer's decision. Thus, Shiels does not disclose steps (g) and (h).

The Examiner's arguments[9] about Haberman are wrong. The Examiner states that Haberman teaches tracking the viewer's cumulative decisions and inputting a message segment that corresponds to the viewers preference or interest, but that is plainly wrong since the viewer doesn't make any decisions, much less cumulative ones.

The Examiner's arguments[10] about Shiels are wrong. The Examiner is correct that Shiels "tracks" cumulative decisions of the characters and that the viewer can save these settings at the end of an episode and apply them in the next episode. Shiels does not, however, make any determination about viewer preferences or interests from the decision to save or to reset the character values. Since Shiels does not impute any interest or preference, it does not select alternative scene sequences based upon such imputation.

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[9] Pages 5 to 7 of Final Office Action mailed 10 December 2007.

[10] Pages 5 to 7 of Final Office Action mailed 10 December 2007.

D. The Examiner erred in rejecting claim 3 as being unpatentable under 35 U.S.C. §103(a) over Haberman in view of Shiels.

Neither Haberman nor Shiels disclose or suggest steps (b), (d), (e) and (f) of Claim 3.

> (b) in at least one of the modules, presenting to the viewer a set of alternative decisions, each alternative decision determining an order in which a subsequent module will be presented;
>
> (d) in each module that can be presented in a different order, providing neutral scenes in which the content is not dependant upon the order in which the module is viewed, and providing sets of alternative scenes in which the content is dependant upon the order in which the module is viewed;
>
> (e) prompting the viewer to select one of the alternative decisions that will determine the order of a subsequent module;
>
> (f) presenting to the viewer neutral scenes interspersed with alternative scenes that correspond to the viewer's selected one of the alternative decisions and are appropriate to the relative order in which the subsequent module is presented.

The Shiels structure does not allow the viewer's decision to change the order in which a module is viewed. Figure 6 of Shiels, and the text related to it, show that the branching moves consistently from beginning toward end, albeit by alternative paths, without ability to change the order in which modules are viewed. In Figure 6, if the module H to K is viewed, it must always be viewed before the module beginning at K, never after it.

The fact that some modules in Shiels can be reached by more than one path (for example, H can be reached by A-B-H or by A-D-E-H) is not the same as providing that the modules themselves can be presented in a different order. In Shiels there may be different combinations of modules that can precede a module, as for example module H,

and different combinations of modules that can be viewed after module H, but the modules before H cannot be viewed after H and the modules after H cannot be viewed before H.

In addition, Shiels does not provide neutral scenes and alternative scenes. There is no way in Shiels, for example, to modify the neutral scenes showing information about a selected automobile by interspersing into the sequence alternative scenes pertaining to a customer's apparent interest in safety features imputed from her prior decisions.

The Examiner's argument[11] about Shiels is wrong. The Examiner is confusing modules that can be reached by different paths with modules that can be presented in a different order. Branching and order selection are related, but different, interactive decisions. A branching decision at a node of choices eliminates the ability to view the non-selected branches; while an order-selecting decision preserves the ability to view the non-selected branch at a later time.

The Shiels structure does not allow the viewer's decision to change the order in which an act is viewed. Figure 6 of Shiels, and the text related to it, show that the branching narrative can only move from beginning A toward alternative ends W, X, Y or Z (albeit by alternative paths), but the viewer never has the ability to change the order in which any of the acts are viewed. For example, if the video segment H to K is viewed, it must always be viewed before the segment or segment beginning at K, never after them. The Examiner cannot point to any place in Shields where a viewer can decide to reverse the order of acts. The viewer is unable to take an act that is viewed enroute to any point in the chosen path and chose to view it after that point instead of enroute to the point.

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[11] Pages 7 to 10 of Final Office Action mailed 10 December 2007.

E. The Examiner erred in rejecting claim 4 as being unpatentable under 35 U.S.C. §103(a) over Haberman in view of Shiels.

Claim 4 depends from Claim 3, but its patentability is independent of the patentability of Claim 3. In addition to the non-obviousness of Claim 3, neither Haberman or Shiels disclose or suggest the claim 4 additional limitation that makes the step of presenting the neutral scenes interspersed with alternative scenes that are appropriate to the relative order include presenting alternate scenes to avoid repeating information that has already been conveyed to the viewer in previous scenes.

As discussed in regard to claim 3, Shiels can't modify the neutral scenes by interspersing alternative scenes pertaining to a customer's apparent interest at all, much less select the appropriate alternative scenes so that she is not merely shown a repeat of the same additional information.

F. The Examiner erred in provisionally rejecting claim 1 for nonstatutory obviousness-type double patenting of claim 1 of co-pending application 10/003,196 in view of Bejan.

All pending claims are directed to a method of presenting interactive digital video about products or services, which are distinct from the interactive entertainment of co-pending Application No. 10/003,196.

As to the patentable distinction of Claim 1 of this application over Application No. 10/003,196, that application's Claim 1 includes claim steps (g) and (h) that are not found in claim 1 of the present application. Those missing steps are repeated below:

(g) producing one or more sets of variation scenes that introduce content that

reflects the consequences of previous decisions selected from among the alternative decisions presented prior to the linking scene, each set of variation scenes being associated with a scene that is viewable after the linking scene; and

(h) when the viewer is brought to a scene sequence that contains a set of variation scenes, interspersing into the scene sequence the variation scene corresponding to the viewer's selected one of the alternative decisions from among the alternative decisions presented prior to the linking scene.

The Examiner erred in provisionally rejecting claim 1 of the present application for nonstatutory obviousness-type double patenting.

8. CONCLUSION

Appellant respectfully submits that the Examiner erred:

Respectfully submitted,

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CLAIMS APPENDIX

For the Board's convenience, this appendix paper includes the text of all claims under examination in the form in which they were rejected. Claims that have been cancelled or withdrawn in prior actions have been omitted.

1. A method of presenting an interactive digital video work used for marketing products or services to potential purchaser viewers that can customize the content presented after branching points to a particular viewer based upon the viewer's preferences, the method comprising the steps of:

(a) providing a plurality of potentially viewable scenes to deliver information content about products or services to a viewer;

(b) delivering some of the scenes to the viewer as the branching points at which alternative decisions are presented to the viewer that will determine the next scene sequence to be presented to the viewer;

(c) for each alternative decision at each branching point, having available to present to the viewer a scene sequence corresponding to the alternative decision;

(d) enabling the view to select one of the alternative decisions;

(e) in response to the viewer's selected one of the alternative decisions, presenting the scene sequence that corresponds to the selected decision

(f) tracking the viewer's cumulative selected decisions and imputing that particular viewer's preferences and interests based on the viewer's selected decisions;

(g) producing one or more sets of variation scenes that introduce the information content that address the different possible viewer preferences and interests, based on previous decisions selected from among the alternative decisions presented prior to the scene sequence, each set of variation scenes being associated with a scene that is viewable after the branching points; and

(h) when the viewer is brought to a scene sequence that contains one of the sets of variation scenes, interspersing into the scene sequence the variation scene corresponding to the viewer's imputed preferences and interests for such products or services, based on the viewer's selected one of the alternative decisions from among the alternative decisions presented prior to the scene sequence.

2. (Cancelled)

3. A method for presenting an interactive digital video work for marketing products or services to potential purchasers, wherein content of the interactive digital video work can be customized based upon each viewer's decisions, the method comprising the steps of:

(a) providing a plurality of potentially viewable scenes to deliver to a viewer in a plurality of modules, each module containing potentially viewable scenes about a product or service;

(b) in at least one of the modules, presenting to the viewer a set of alternative decisions, each alternative decision determining an order in which a subsequent module will be presented;

(c) enabling the viewer to select one of the alternative decisions;

(d) in each module that can be presented in a different order, providing neutral scenes in which the content is not dependant upon the order in which the module is viewed, and providing sets of alternative scenes in which the content is dependant upon the order in which the module is viewed;

(e) prompting the viewer to select one of the alternative decisions that will determine the order of a subsequent module;

(f) presenting to the viewer neutral scenes interspersed with alternative scenes that correspond to the viewer's selected one of the alternative decisions and are appropriate to the relative order in which the subsequent module is presented.

4. (Previously Amended) A method as in claim 3, wherein the work is used for marketing goods or services to potential purchasers, the plurality of potentially viewable digital scenes conveying information about such goods or services; and the step of presenting to the viewer neutral scenes interspersed with alternative scenes that correspond to the viewer's selected one of the alternative decisions and are appropriate to the relative order in which the module is presented includes presenting alternate scenes to avoid repeating information already conveyed to the viewer in previous scenes.

5. (Previously Amended) A method for presenting an interactive digital video work for marketing products or services to potential purchasers, wherein content of the interactive digital video work can be customized based upon each viewer's decisions, the method comprising the steps of:

(a) providing a plurality of potentially viewable scenes to deliver to a viewer in

a plurality of modules, each module corresponding to a product or service, wherein the potentially viewable scenes of each such module provide information about attributes of the product or service;

(b) for attributes which are common to more than one product or service, producing some of the potentially viewable scenes to provide comprehensive information about the attribute and alternative scenes to provide abbreviated information about the attribute;

(c) delivering some of the potentially viewable scenes to the viewer as branching points at which alternative decisions are presented that will determine a scene sequence to be presented to the viewer;

(d) enabling the viewer to select one of the alternative decisions;

(e) prompting the viewer to select one of the alternative decisions; and

(f) in response to the viewer's selected one of the alternative decisions, presenting to the viewer, in each module that correspond to the selected alternative decision and that can be presented in a different order, the scenes providing comprehensive information for attributes not previously presented to the viewer in an earlier module and the alternative scenes providing abbreviated information for attributes previously presented to the viewer in an earlier module.

6. (Currently Amended) A method for presenting an interactive digital video work for marketing products or services to potential purchasers, wherein content of the interactive digital video work can be customized based upon each viewer's decisions, the method comprising the steps of:

(a) providing a plurality of potentially viewable scenes to deliver to a viewer in a plurality of modules, each module corresponding to a product or service, wherein the potentially viewable scenes of each such module provide information about attributes of the product or service;

b) in at least one module, providing basic scenes which provide information about an attribute that are presented to the viewer when the module is viewed, and providing a set of alternative scenes which are only presented to the viewer in response to an interactive request by the viewer for additional information;

(c) presenting to the viewer, at branching points that follow a basic scene providing information about an attribute, alternative decisions enabling the viewer to request additional information about the attribute that determine the next scene sequence to be presented to the viewer;

(d) enabling the viewer to select one of the alternative decisions;

(e) prompting the viewer to select one of the alternative decisions;

(f) presenting to the viewer in response to the viewer's selected alternative decision the set of alternative scenes that correspond to the selected alternative decision;

(g) for attributes which are common to more than one product or service, recalling whether the viewer made an alternative decision regarding the same attribute in a earlier viewed module, and

(h) if the viewer has made an alternative decision requesting additional information about the same attribute in a previously viewed module, not

prompting the viewer to make the same decision in a later module.

EVIDENCE APPENDIX

NONE

RELATED PROCEEDINGS APPENDIX

There are no decisions in the related appeal.

TABLE OF CONTENTS

Page

1. REAL PARTY IN INTEREST 2
2. RELATED APPEALS AND INTERFERENCES 2
3. STATUS OF CLAIMS 2
4. STATUS OF AMENDMENTS 2
5. SUMMARY OF CLAIMED SUBJECT MATTER 2
6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL 5
   - A. Did the Examiner err in rejecting claim 5 under 35 U.S.C.102(e) as being anticipated by US 6,041,310 to Green et al ("Green")? 5
   - B. Did the Examiner err in rejecting claim 6 under 35 U.S.C.102(e) as being anticipated by US 6,041,310 to Green et al ("Green")? 5
   - C. Did the Examiner err in rejecting claim 1 as being unpatentable under 35 U.S.C. §103(a) over US 2002/0013943 by Haberman et al ("Haberman") in view of US 5737527 by Shiels et al ("Shiels')? 5
   - D. Did the Examiner err in rejecting claim 3 as being unpatentable under 35 U.S.C. §103(a) over US 2002/0013943 by Haberman et al ("Haberman") in view of US 5737527 by Shiels et al ("Shiels')? 5
   - E. Did the Examiner err in rejecting claim 4 as being unpatentable under 35 U.S.C. §103(a) over US 2002/0013943 by Haberman et al ("Haberman") in view of US 5737527 by Shiels et al ("Shiels')? 5
   - F. Did the Examiner err in provisionally rejecting claim 1 for nonstatutory obviousness-type double patenting of claim 1 of co-pending application 10/003,196 in view of US 5465384 to Bejan et al ("Bejan")? 6
7. ARGUMENT 6
   - A. The Examiner erred in rejecting claim 5 under 35 U.S.C. §102(e) as being anticipated by Green. 6
   - B. The Examiner erred in rejecting 6 under 35 U.S.C. §102(e) as being anticipated by Green. 8
   - C. The Examiner erred in rejecting claim 1 as being unpatentable under 35 U.S.C. §103(a) over Haberman in view of Shiels. 10
   - D. The Examiner erred in rejecting claim 3 as being unpatentable under 35 U.S.C. §103(a) over Haberman in view of Shiels. 13
   - E. The Examiner erred in rejecting claim 4 as being unpatentable under 35 U.S.C. §103(a) over Haberman in view of Shiels. 15
   - F. The Examiner erred in provisionally rejecting claim 1 for nonstatutory obviousness-type double patenting of claim 1 of co-pending application 10/003,196 in view of Bejan. 15
8. CONCLUSION 16